G. R. S. IX-5]

*Previous references.*

Recurre

1917-18
(Courts)

File No. 30-17

Serial Nos. 1 & 2

*Later references.*

# GENERAL AND REVENUE SECRETARIAT.

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*Serial Nos.* 1 & 2

**Part B for** August 1917

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SUBJECT.

Summoning the President of the Bangalore City Municipal Council in Land Acquisition Cases.

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2) The President,
Bangalore City Municipal
Council
No J 741 dy 29-8-17
Suggests to make a representation
in the matter to the Courts Concerned
for Consideration.

W D 88—GPB—50,000—24-7-16

Md Abdur Rahman
15.9.17

225

. R. S. 11] 1917.

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

File No. 30-17

FILE HEADING.

Summoning the President of the Bangalore city municipal council in Land Requisition cases.

From

The Honorary President, Municipal Council, Bangalore city

No. 15 Dated 25.7.17 Received 26.7.17

| Diary No. J-225 | Enclos. | Spare Copies. | Serial No. 1 |
|---|---|---|---|

BRIEF ABSTRACT OF LETTER.

Points out the undesirability of the Honorary President figuring as a witness in Land Requisition cases and requests that the Chief Courts may be moved to instruct the Subordinate Courts in the Bangalore city to Summon the President only in exceptional cases in which his evidence is absolutely nec

NOTES AND ORDERS.

S. Submitted for orders. Reference is invited to the Revenue Secretary's remarks of 27-7-17 on the routine note below.

ASR 28/7

Under the existing law, a party is entitled as a right to summons to any witness unless he is personally

NOTES—First Sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | C5 File No. 30 of 1917.

Serial No.

exempted from appearance in Court. So long as the application is made after the institution of the suit, the Court is bound to issue the summons. The only case when the Court has the power to refuse to issue the summons is when the application is not bonafide, the Court has in such a case an inherent power to prevent an abuse of its own process. Mr. Aiyar is respectfully invited to the remarks of Sankaran Nair J. & Venkatasubba Rao JJ. in Nataraja Desikar 28 Madras at 36.

3 This does not, I hope, appear to be a matter in which Govt. can move the High Court to issue instructions to the Subordinate Courts so as not to summon the Honorary President.

4 Submitted for orders.

SS
30/1

First Member 5

I agree the request cannot be granted.

Lees

407
31.1

6/11
31-1-17

Letter overleaf. Duncan
31/1/17

Orders 31/1
3.2.17

NOTE—Contn. sheet.

13

407/64
31.7.17

Courts file No 30 of 1917
Summoning the Hono-
-rary President of the
Bangalore City Muni-
-cipality in Land
Acquisition cases -

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The Dewan desires the Secretary General to kindly speak to him in person, on the subject -

Submitted.

B. V. Lakshmana Rao
1.8.17.

C.S Put up a draft reply saying — Dewan to state that Govt. consider that there is much force in your contentions and Govt. in regret that they cannot withdraw from the case & Govt. may submit this to the Court concerned for consideration

Dewan 8/8

Submd with a draft according to Dewan's views.

Dewan 11/8

9.8.17
First Secretary to Dewan

594/13.8

13/8

880/14.8.17

Draft approved by Dewan
27.8.17

WD 1233—GPB—60,000—1-12-16—S.

225 (4

F. R. S. III-2]

General and Revenue Secretariat. | Ct | File No. 30 of 1917-18

| Serial No. | |
|---|---|
| 2 | To, The President Bangalore City Municipal Council No J 741 Dt. 29-5-17 Suggests to make a representation in the matter to the Courts Concerned for Consideration. |

NOTE—Contn. sheet.

GEN. & REV. SECRETARIAT
III
JUDICIAL
28 JUL 1917
B. [illegible]. 109]
J. 211
DIARY No. J. 225
19 -19 FROM
30-17
1

15

OFFICE OF THE PRESIDENT,
MUNICIPAL COUNCIL,
BANGALORE CITY, DATED.....23-7-....1917 .

DEWAN BAHADUR RAJA SABHA BHUSHANA
K. P. PUTTANNA CHETTY, ESQ., C.I.E.,
*Honorary President, Municipal Council,*
*Bangalore City.*

To

*The Secretary to the Government of*
*His Highness the Maharaja of Mysore,*
~~General and~~ *Revenue Departments,*
*Bangalore.*

SIR,

I have the honor to bring to the notice of Government that I have recently been summoned as a witness for the claimant in two Land Acquisition Cases of the Bangalore City Municipality and underwent nearly two hours examination on each occasion.

2. I need hardly point out the undesirability of the Honorary President of the Municipality figuring as a witness in Land Acquisition Cases, not to speak of the personal inconvenience caused to him. The only question before the Court is one concerning the amount of compensation to be awarded and the President is obviously not an authority on this point. For some reason or other, unnecessary, irrelevant and even objectionable questions are put and though the Judge disallows the most flagrant of them, much time is wasted. The Municipal Engineer or the Vice President is quite competent to speak to the facts of the case and nothing more useful and relevant can be elicited from the President. The real object is quite transparent and need not be dilated upon. The payment of a batta of two Rupees places it in the

power

GPB—2,000—20-8-13

26 JUL 1917 1917-18

From The Honorary President
Municipal Council
Bangalore city

To The Secretary to the
Government of Mysore
Revenue Department
Bangalore

Dated 22nd } July 1917.
Despatched 25th }

Received

General No. 15

No.

Enclosure No.

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Requesting that under the circumstances brought to the notice of Government the Chief Court may be moved to instruct the Subordinate Courts in the city to exercise a careful discretion to summon the Honorary President of the Bangalore city Municipal Council as a witness in Land Acquisition Cases.

power of any person to secure the privilege of summoning the Honorary President.

3. As a large number of properties are now being acquired in connection with the City Improvement Works, I have the honor to request that the Chief Court may be kindly moved to instruct the Subordinate Courts in the City to exercise a careful discretion and to summon the President as a witness only in exceptional cases in which his evidence is absolutely necessary in the interests of justice.

I have the honor to be,

Sir,

Your most obedient servant,

W Whitehead

Honorary President.

C.R.G.

J 741 Cs 30-17-2

07 29.8.17.

To

The President,

Bangalore City Municipal Council.

Sir,

With reference to your letter No.15 dated 23rd July 1917, representing that you are being needlessly summoned, to the prejudice of public work, as a witness in land acquisition cases before the subordinate Civil Courts in the City, I am directed to state that Government consider that there is much force in your contentions and to suggest that you may make a representation in the matter to the Courts concerned for this consideration.

I have, etc.,

Secretary to Government,
General Department.